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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 308th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 4 June 1996, at 10 a.m.

Chairperson: Mrs. EUFEMIO

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Guatemala (continued) (CRC/C/3/Add.33; HRI/CORE/1/Add.47; CRC/C/12/WP.1; replies from the Guatemalan Government, document without a symbol distributed in Spanish)

1. At the invitation of the Chairperson, the Guatemalan delegation took places at the Committee table.

2. Mr. AVAL (Guatemala), speaking of families living in poverty, said that the Government had established the Social Investment Fund in 1993 as a means of introducing a new policy to combat poverty in rural areas, particularly through activities in the areas of nutrition, health, education, social infrastructure and environmental improvement. The Fund was intended to respond to the needs of disadvantaged rural communities and experiment with new types of social management, through the local authorities. From 1993 to 1995, 2,546 projects had been approved by the Fund on behalf of over 2.7 million beneficiaries. In that context, four areas of priority action had been determined: pregnant women and nursing mothers; newborns and children under 6 months of age, male and female; women of child-bearing age and minors under 13 years of age. The Fund based its action on data from the National Institute of Statistics, in particular national household surveys, which had made it possible to define a rural poverty indicator. The indicator had helped to determine the various action priorities, and in 1993 a specific programme had been established to meet the basic needs of the rural population.

3. Mr. ARRANZ SANZ (Guatemala) said that the delegation would be able to provide the Committee with a document on the subject. Under the agreement on social and economic problems, the Government had promised to provide the population with access to all health services, and it tried to focus public expenditures on preventive care in order to reduce the infant and maternal mortality rates. The infant mortality rate, which had been 59 per thousand live births in 1990, had fallen to 40 per thousand in 1993, and the mortality rate for children under 5 years of age, which had been 105 per thousand in 1990, had fallen to 69 per thousand in 1992. According to UNICEF, that significant decrease was due to the vaccination campaigns and the drop in mortality from diarrhoeal illnesses brought about by improvements in the drinking water and sanitation services, conditions of childbirth, nutrition and education. From 1987 to 1990, a large-scale effort had been made to increase the number of vaccinations, and coverage had risen from 68 to 74 per cent of the infant population. Guatemala had virtually eliminated polio and significantly reduced the number of cases of neonatal tetanus. Births were attended by midwives whose skills were sufficient but needed improvement through strict training programmes, especially in the indigenous communities where only 23 per cent of births took place in hospitals.

4. Breast-feeding was very widespread in Guatemala. A programme had been introduced by ("friends of breast-feeding") hospitals, in which all the standards relating to maternal breast-feeding were respected. Because of the frequent cases of calorie and protein deficiency, however, increased vigilance

was needed from the authorities, which was why in 1992 legislation had been enacted to cover the manufacturing of micro-nutrients. In addition, as the result of a private sector initiative, the sugar produced in Guatemala was vitamin A-enriched, and Guatemala had been commended by UNICEF in that regard. Similarly, 94 per cent of the salt was iodized salt.

5. On another matter, broad-scale AIDS-prevention campaigns were being conducted. Legislation guaranteed respect for the fundamental rights of AIDS-sufferers, in particular regarding employment. There was also a 24-hour AIDS information telephone line. Various programmes were also being conducted on behalf of disabled people, particularly programmes for insertion into the labour market, through private initiatives and direct action by the authorities. With regard to education, various organizations, in particular a private fathers' association, provided education for the disabled in order to help them enjoy equal rights and opportunities.

6. The CHAIRPERSON invited the members of the Committee to present their observations and recommendations on the subject of health care.

7. Mrs. SARDENBERG strongly recommended that the Government should involve the private sector in public action, with regard not only to health but also education and raising public awareness of the Convention. Society at large should participate more systematically in action by the authorities and the implementation of the Committee's recommendations. Referring to the sometimes negative attitude of the private sector towards the problem of child labour and street children, she said that efforts should be made to raise the private sector's awareness of those questions and persuade it to help finance various specific projects.

8. Mrs. SANTOS PAIS said that, like Mrs. Sardenberg, she wished to stress the importance of participation by society at large in the life of the nation, which did not mean that the State should shirk its responsibilities regarding the protection of children's rights. Under the May 1996 agreements on social and economic problems, the Government should ensure that the people were able fully to exercise their right to health without discrimination. The most disadvantaged population groups must therefore be given access to health care, in conformity with article 24 of the Convention.

9. It was essential to provide the local authorities with the resources to ensure that the people's right to health care was respected. She welcomed the authorities' undertaking to increase public expenditures in that area by 50 per cent by the year 2000, and she would like information on the steps already taken to attain that objective.

10. Concerning unregistered children, she pointed out that it was difficult to adopt an effective strategy without knowing all the aspects and the actual extent of the problem. She therefore recommended a careful evaluation of the situation of the infant population and of vulnerable groups, particularly in rural areas.

11. The Convention stipulated that States Parties should guarantee the participation of disabled children in community life and their access to education, training and preparation for employment. However, there was a

somewhat disturbing tendency in Guatemala to resort to placement in institutions. A physically disabled child born to poor parents might be placed with adults suffering from serious psychological problems and requiring totally different care. Did that not represent a risk of ill-treatment for the child? In addition, according to article 25 of the Convention, the child had the right to a periodic review of the treatment provided and all other circumstances relevant to his or her placement. She would therefore like to know what kinds of evaluations were made in Guatemalan institutions. Lack of resources did not mean that other solutions should not be sought, such as keeping children with their families.

12. Mrs. BADRAN, referring to paragraph 224 of the report, noted that the number of children examined for disturbed behaviour had more than doubled between 1990 and 1992. In fact mental illness must be more widespread among children than the official figures indicated, considering the impact of the armed conflicts and poverty. In that respect, the Government should establish a clear distinction between mental incapacity, resulting from the child's environment, and mental retardation of genetic origin. Both problems should be treated, but separately.

13. The disturbing number of children underweight at birth seemed all the more alarming because the report gave only the figures from hospitals. Since most women gave birth at home, she asked what was the overall percentage of children born underweight. As problems in that area were due to various factors such as malnutrition and discrimination against women, the Guatemalan authorities should take advantage of international cooperation by contacting the United Nations Population Fund, which had considerable resources to invest in that field. Rather than ask for assistance in the form of medicines or vaccines, it would be preferable to request aid in establishing pharmaceutical factories in Guatemala, which would also lead to job creation.

14. Mrs. KARP, emphasizing the need to consider the psychological sequelae of years of violence and atrocities, asked whether there were rehabilitation or education projects to help children overcome their fear and insecurity.

15. With regard to the right of children to health care, she asked whether a child could consult a doctor on his or her own initiative and whether a minimum age had been set for so doing. Did consultation centres exist where young people were able to speak freely about drugs or sexual problems, and was sex education included in the school curricula? Were there rehabilitation centres for young drug addicts? She would also like to know whether a child could be hospitalized against his or her will, what was the procedure, and whether a child was entitled to oppose medical treatment. Might a girl terminate a pregnancy without authorization from her parents, and from what age?

16. Mr. MOMBESHORA asked whether it was possible to obtain disaggregated infant mortality data in order to compare the situation in urban and rural areas and among the different population groups. He also wondered whether the very high maternal mortality rate was not due to inadequate training of midwives and asked for more information on the methods used to verify

midwives' skills. Since many deaths were also due to poor prenatal care and obstetric services, he wondered what specific steps had been taken to solve that problem.

17. Mr. ARRANZ SANZ (Guatemala) assured the members of the Committee that their recommendations would be taken into account by the Guatemalan Government in deciding what mechanisms to introduce in order to implement the Convention more effectively. In reply to the questions raised, he began by saying that no girl would need to ask her father's permission if she wished to have an abortion.

18. The Government made every effort to involve the private sector in modernizing health services. In so doing, it occasionally met opposition from those who feared privatization of the health services. The problem was therefore a political one, which the Government was attempting to overcome by reconciling opposing interests. On another matter, literacy activities were shared among over 500 organizations, mostly NGOs, and the role of the National Literacy Committee consisted simply of providing them with logistical support and validating the diplomas and certificates awarded. The Ministry of Education had attempted to extend the system to primary education in order to cover children living in remote areas, but had met protests from the teaching staff.

19. There were no disaggregated infant mortality figures. However, available indicators such as vaccination rates, duration of breast-feeding and female contraception indicated sharp disparities between indigenous groups and the rest of the population. The State was, however, determined to combat that de facto discrimination.

20. Concerning the training of midwives, he indicated that proficiency courses had been introduced in 1995 in the hospitals and later at the municipality level. There was also a need to train health auxiliaries in poorly-serviced areas. The population in the mountainous regions was quite scattered and had little access to health services.

21. Regarding the child's participation in community life, he emphasized that progress in that area would necessarily be very slow in traditional Guatemalan society.

22. Mr. GANDARA (Guatemala) said that the Government had set up a school allocations programme intended to compensate for the loss of earnings of parents who sent their children to school. The tasks imposed on mothers in indigenous groups were such that in many cases they were too busy to take advantage of vaccination campaigns. A similar system of incentives would therefore have to be found.

23. There was as yet only one establishment for disabled children and it also catered for mentally-disabled adults and old people. To redress that situation, the Government had decided to establish four major centres throughout the country. Despite the difficulties, which related mostly to 30 years of violence, the relative inexperience of the new Government and the population's linguistic diversity, the State was determined to spare no

effort to encourage community initiatives. He was particularly interested b Mrs. Badran's suggestion about the possibility of establishing pharmaceutica plants in Guatemala.

24. The CHAIRPERSON suggested that the members of the Committee should tur to questions Nos. 42 to 54 on the list (CRC/C.12/WP.1) concerning special protection measures, and possibly return to certain questions pending in the area of education, leisure and cultural activities (questions Nos. 36 to 41)

25. Mrs. KARP asked for clarification of the way in which juvenile justice operated. She found it surprising that minors who committed offences were held in correction centres despite the fact that they were not liable to criminal penalties. She would like to know how the rights granted to all offenders to be tried in court, to be presumed innocent and to appeal were respected in the case of a child. She expressed the hope that alternatives institutionalization would be encouraged. She would also like to know how t legislation envisaged guaranteed protection of the rights of children and wh was being done, pending the adoption of the new legislation, to enable children to remain at liberty in an appropriate structure.

26. Mr. MOMBESHORA pointed out that there had been no replies to the questions on the portion of the budget allocated to education, the portions GDP allocated to education and defence and the question of support for the disabled in the areas of sports and leisure.

27. Turning to the questions on special protection measures, he noted that Guatemala had not conducted any research into the effects of war on children He would like to know whether the Government had taken the conclusions of studies on the subject by private organizations as a basis. He would also like to know whether services existed for reducing the effects of war on the mental health of children, the role played by social workers in the area of psychosocial rehabilitation, whether it was possible to take emergency measures to cope with the increase in problems of drugs and violence and how the committee in charge of assistance to detainees ensured that the rights o children were protected.

28. Mrs. BADRAN said that there was a connection between problems relating education, child labour and poverty. It was clear that education was far fr being available to the entire population and that girls were still at a disadvantage in that area in comparison with boys. In that connection, one measure that should be taken to enable girls to be given more schooling was ensure that they did not marry too early. The United Nations Population Fun encouraged efforts to that end, and in certain countries even went so far as to subsidize families who sent girls to school in order to compensate the families for their loss of earnings. Guatemala would be well-advised to ask UNFPA for assistance.

29. Regarding child labour, the case of Guatemala was far from unique, and many countries a large number of adults were unemployed while a large numbe of children worked. Nevertheless, it was important not to accept that situation on the fallacious pretext that the children had to work since the

parents were unemployed or that children were naturally suited to certain types of work. That abnormal situation could only be corrected through a plan to put adults back to work and stop children being exploited.

30. Mrs. SANTOS PAIS said that she too was very disturbed by the question of child labour, especially as such labour often eluded the inspection services. Work in the family, for example, was considered as a service rendered, but UNICEF and ILO studies showed that one of the reasons for which children did not attend school was that they had no time to study once they completed their household chores. In addition, children working as domestics, occasionally from ages as young as 10, appeared to be particularly exposed to violence, especially girls who came from afar to work in the large cities and therefore could not depend on their families for support. She stressed the need for schools to prepare children for life in the country's particular conditions, in other words for education to be fully adapted to the local culture.

31. She was disturbed at the "doctrine of the irregular situation" mentioned in paragraph 3 of the report, which seemed to penalize childhood and poverty. She asked what guarantees existed that a lawyer would be able to prepare and present a child's defence, even in cases of "antisocial behaviour", an offence whose interpretation was totally arbitrary.

32. Concerning children affected by armed conflicts, she said that there were many such children among the refugees and displaced persons in the country and asked whether programmes existed to facilitate the resettlement process. She also wondered what happened to children under 18 years of age who were forcibly recruited by armed groups and later held responsible for the crimes committed by those groups.

33. Mrs. SARDENBERG noted that according to estimates, there were more than 500,000 working children, which was a very alarming figure. The Government should look more closely into the situation of those children, into the risk of accidents happening to them and into the possibility that they might be exploited, and should consider raising the age of admission to employment to 15, as stipulated in ILO Convention No. 138, without delay. The situation of children employed in agricultural labour also appeared to be disturbing, and she wondered whether initiatives had been taken by communities to protect such children. It would be interesting to know whether the idea of providing working children with a kind of identity card to give them priority access to health services and education had been acted on.

34. Mrs. KARP expressed concern about the situation of children who formed part of the yearly seasonal migrations, which affected approximately 1 million people. The migrants went to work on plantations where living conditions were deplorable, and even if the children did not work, they were not able to attend school. Had the Government thought about looking into the case of those seasonal workers systematically and taking steps to ensure that employers provided them with decent living conditions and the opportunity to enrol their children in school? She would also like clarification of the programmes specifically intended for refugees, returning exiles and internally displaced persons.

35. Mr. ARRANZ SANZ (Guatemala), replying to the questions on the children forcibly recruited into armed groups, expressed regret that the case of a minor being recruited by a patrol had been brought up. That case had been an unfortunate one, but in no way represented a pattern.

36. As for the allocation of resources, he pointed out that 17.7 per cent of public expenditures went to education, as against 11.8 per cent in 1990. That figure, which represented 1.9 per cent of the gross domestic product, was relatively low, but was higher than the amount allocated to defence. Programmes did exist to encourage the public, including disabled people, to practise sports, but those programmes had not yet begun operating.

37. The much-needed reform of the education system was imminent and indigenous groups were being strongly encouraged to take part in the remodelling of school curricula, which should be multicultural and multi-ethnic and be aimed at all young people of school age. The most disadvantaged category, that of girls in rural areas, should be given special attention, for studies had shown that when girls received an education, even if only at elementary level, all members of the family benefited and enjoyed better health, better living conditions and a longer life expectancy.

38. The child's lack of criminal responsibility was in fact purely theoretical, for in practice the judge could decide automatically, without explanation, to place a child suspected of an offence in a reformatory, for an indeterminate length of time. It was then for the judge and the psychologist to release the child when they deemed him or her capable of reinsertion into society. That practice, which consisted of trying, convicting and depriving the child of liberty, grew out of the provisions of the existing Minors Code, which was to be revised as soon as possible. Measures for the reinsertion of young offenders into society were also expected to be implemented.

39. Mr. AVAL (Guatemala), referring to the question of child labour, said that the Government had not yet considered the possibility of raising the age of admission to employment, but that the Unit for Protection of Child Workers, which was a branch of the Ministry of Labour, treated all minors as equal, regardless of sex. The project of the above-mentioned Unit to provide social security coverage to all working children, was practically impossible to implement, for most of those children were employed in the informal sector and escaped all monitoring.

40. The return of refugee children was being organized in the context of programmes designed for families. The authorities issued identity papers for those children and birth certificates if necessary. More than 30,000 people had returned to date. A special fund had been established for granting loans to peasants who wished to purchase land. The authorities were attempting to stagger the refugees' return in order to limit the rise in the price of land, which had increased sharply due to strong demand.

41. Mrs. KARP said she would like to know whether the Guatemalan Government was planning to ask for assistance in reforming the administration of juvenile justice. She would also like to know whether steps were being taken to facilitate the reinsertion of internally displaced children, who were not officially classified as such.

42. Mr. MOMBESHORA noted that, in its written reply to question No. 48 of the list of issues, the Guatemalan Government stated that children's reformatories could not afford to employ doctors at night and during holidays. Perhaps it would be possible to set up a system of placing doctors on telephone standby to resolve that problem.

43. Mr. ARRANZ SANZ (Guatemala) said that Guatemala would in fact need technical assistance to implement the new code on childhood and adolescence and to reorganize the administration of juvenile justice. Guatemala was fully prepared to learn from the experience of other countries in those areas, obviously taking the multicultural nature of Guatemalan society into account. The Government did not have precise figures on the number of internally displaced children, but every effort would be made to ensure that they were covered by the social restructuring programmes that would emerge from the various agreements signed with UNRG.

44. Mr. AVAL (Guatemala) said that the Guatemalan Government would take due account of Mr. Mombeshora's suggestion.

The meeting was suspended at 12.30 p.m. and resumed at 12.50 p.m.

45. The CHAIRPERSON invited the members of the Committee to present their concluding observations on the initial report of Guatemala.

46. Mrs. SARDENBERG thanked the Guatemalan delegation for the information with which it had provided the Committee and for its spirit of dialogue. She welcomed the fact that the Guatemalan Government was committed to the full implementation of the Convention in the light of the recommendations made by the Committee. She also hoped that the difficulties encountered in implementing the peace agreements and adopting the new code on childhood and adolescence would be overcome and that the Government would adopt a global strategy for the protection of children, in particular by establishing mechanisms for ensuring the effective implementation of the Convention.

47. Mrs. SANTOS PAIS stressed the need to bring national legislation into line with the provisions of the Convention. The bodies responsible for coordinating action on behalf of children at national and local levels should be strengthened. It would also be advisable to collect data on particularly vulnerable groups of children such as orphans, indigenous children, refugee children and girls and to encourage the population, particularly the specialized personnel, through education and information, to care for such children, while respecting their cultural diversities. It would also be advisable to amend the law with regard to the ages of marriage, school enrolment and criminal responsibility. In addition, the legislative provisions concerning access to health care, the right to education and the right to be taught in an indigenous language should also be strengthened. The law should also explicitly prohibit corporal punishment, both at home and in school. Children should be able to file a complaint when their rights were violated and express their point of view in court.

48. Concerning adoption, the Government should ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption and should combat the corruption and trafficking to which adoption could lead. Similarly, child labour should be explicitly prohibited by law. It would also be necessary to implement special programmes for refugee children and disabled children and to adopt a new childhood code conforming to the provisions of the Convention.

49. Mr. ARRANZ SANZ (Guatemala) said that the Guatemalan Government would give due consideration to the Committee's recommendations; he expressed the hope that most of the difficulties mentioned would have been overcome by the time Guatemala's following periodic report was submitted and that, on that occasion, Guatemalan children might come to address the Committee.

50. The CHAIRPERSON thanked the Guatemalan delegation for its cooperation.

51. The Guatemalan delegation withdrew.

The meeting rose at 1.10 p.m.